

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

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|--------------------------|---|-------------------|
| In re: |) | |
| |) | Case No. 19-50809 |
| Shawn Jacob Wildermuth |) | |
| and Jana Sue Wildermuth, |) | Chapter 12 |
| |) | |
| Debtors. |) | Judge Preston |

**DEBTORS' OBJECTION TO AND MOTION TO STRIKE ALLY BANK'S MOTION
FOR MONTHLY PRE-CONFIRMATION ADEQUATE PROTECTION PAYMENTS
PURSUANT TO 11 U.S.C. § 1326(a)(1)(C) (Doc. 40)**

The Debtors move to strike Ally Bank's *Motion for Monthly Pre-Confirmation Adequate Protection Payments Pursuant to 11 U.S.C. § 1326(A)(1)(C)* (Doc. 40) (the "Adequate Protection Motion") on the grounds that the Motion was filed in violation of the Court's *Order Approving Debtors' Motion for an Order Directing the Joint Administration of Related Chapter 12 Cases* (Doc. 22) (the "Joint Administration Order"). The Joint Administration Order directed the joint administration of this case with Case No. 19-50810 and requires all pleadings in this case to be filed in Case No. 19-50810. Accordingly, the Adequate Protection Motion should be stricken from the record or dismissed without prejudice to refiling in accordance with the Joint Administration Order.

To the extent that the Adequate Protection Motion is not stricken or dismissed without prejudice, the Debtors respectfully request that the Court consider this motion to act as the Debtors' objection to the Adequate Protection Motion. Substantively, the Adequate Protection Motion should be overruled on the following grounds: (i) the Adequate Protection Motion relies

exclusively on 11 U.S.C. § 1326, which does not apply to this Chapter 12 proceeding; and (ii) Ally Bank fails to show (or even allege) that its collateral is decreasing in value, as required by § 1205.

Respectfully submitted,

/s/ Matthew T. Schaeffer

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Attorneys Debtors and Debtors-in-Possession

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Debtors' Objection To And Motion To Strike Ally Bank's Motion For Monthly Pre-Confirmation Adequate Protection Payments Pursuant To 11 U.S.C. § 1326(a)(1)(c) (doc. 40) was served electronically on the date of filing through the Court's ECF System on all ECF participants registered in this case at the e-mail address registered with the Court and via U.S. Mail upon the parties listed below this 1st day of August, 2019:

Shawn Wildermuth
Jana Wildermuth
7690 County Road 53
Lewistown, OH 43333

/s/ Matthew T. Schaeffer

Matthew T. Schaeffer (0066750)